

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 RONALD ALLISON,

5 Plaintiff,

6 v.

7 CARMEL SEGELBLOM; CLARK COUNTY
8 PUBLIC DEFENDERS OFFICE,

9 Defendant.

Case No. 2:20-cv-02070-GMN-EJY

ORDER

10 On November 10, 2020, Plaintiff, an inmate in the custody of the Clark County Detention
11 Center (“CCSD”), filed what appears to be a proposed Complaint thereby initiating a civil action in
12 this Court. ECF No. 1-1. Plaintiff has neither paid the \$400 filing fee for this matter, nor has he
13 filed an application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a
15 civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action
16 without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must
17 submit all three of the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
19 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

20 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
21 (i.e. page 4 of this Court’s approved form), and

22 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
23 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
24 must still submit an inmate account statement for the dates he has been present at the facility.

25 The Court grants Plaintiff a **one-time** extension to file a fully complete application to proceed
26 *in forma pauperis* containing all three of the required documents or, in the alternative, pay the \$400
27 filing fee for this action on or before **January 29, 2021**. Absent unusual circumstances, the Court
28 will not grant any further extensions of time. If Plaintiff is unable to file a fully complete application

1 to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing fee on or
 2 before **January 29, 2021**, the Court will dismiss this case without prejudice for Plaintiff to file a
 3 new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a
 4 fully complete application to proceed *in forma pauperis* or pay the \$400 filing fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 7 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 8 application to proceed *in forma pauperis* and instead pay the filing fee of \$400 on or before **January**
 9 **29, 2021** to proceed with this case.

10 The Court will retain Plaintiff's proposed Complaint (ECF No. 1-1), but the Court will not
 11 file the proposed Complaint unless and until Plaintiff timely files a fully complete application to
 12 proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

13 For the foregoing reasons,

14 IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the approved form
 15 application to proceed *in forma pauperis* by an inmate, as well as the document entitled information
 16 and instructions for filing an *in forma pauperis* application.

17 IT IS FURTHER ORDERED that on or before **January 29, 2021**, Plaintiff shall either pay
 18 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 21 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 22 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
 24 (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
 26 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
 27 must still submit an inmate account statement for the dates he has been present at the facility.

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
3 on or before **January 29, 2021**, the Court will dismiss this action without prejudice for Plaintiff to
4 refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

6 IT IS HEREBY ORDERED that the Clerk of the Court shall retain Plaintiff's proposed
7 Complaint (ECF No. 1-1) but shall not file it at this time.

8 Dated this 1st day of December, 2020.

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11 ELAYNA J. YOUCHAH
12 UNITED STATES MAGISTRATE JUDGE
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